

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREW MAISON,

Petitioner,

v.

THOMAS WINN,

Respondent.

Case No. 2:19-cv-10671

HONORABLE STEPHEN J. MURPHY, III

**ORDER GRANTING RESPONDENT'S
MOTION TO SEAL CRIME SCENE AND AUTOPSY PHOTOGRAPHS [7]**

On March 10, 2016, Petitioner Andrew Masion was convicted of homicide-felony murder, two counts of torture, and two counts of child abuse in the first degree. ECF 1, PgID 1. He filed a petition for a writ of habeas corpus pursuant to 18 U.S.C. § 2254 on March 4, 2019. *Id.* On September 19, 2019, Respondent Thomas Winn filed a motion to file crime scene and autopsy photographs of Petitioner's minor victims—his three-year-old and five-year-old daughters—under seal. ECF 7. Petitioner did not respond.

The Court can, for good cause, seal "records when the interests of privacy outweigh the public's right to know." *In re Knoxville News-Sentinel Co., Inc.*, 723 F.2d 470, 474 (6th Cir. 1983); Fed. R. Civ. P. 26(c). But "[t]he [C]ourt must balance the public's common law right of access against the interests favoring nondisclosure." *In re Polemar Constr. Ltd. P'ship*, 23 F. App'x 423, 425 (6th Cir. 2001) (citing *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 599, 602 (1978)).

Here, Respondent asserts that the crime scene images contain graphic photos of Petitioner's three-year-old and five-year-old daughters, and that the autopsy photos include nude pictures of Petitioner's five-year-old daughter. ECF 7, PgID 1508–09. Because of the sensitive and graphic nature of the photographs and the young age of the victims, the Court finds that the victims' privacy interests outweigh the public's interest and that there is good cause to seal the autopsy and crime scene photographs.

WHEREFORE, it is hereby **ORDERED** that Respondent's motion to seal [7] is **GRANTED**.

IT IS FURTHER ORDERED that Respondent shall **FILE** the crime scene and autopsy photos of Petitioner's minor victims under seal.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: October 21, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 21, 2019, by electronic and/or ordinary mail.

s/ Kristen MacKay
Case Manager Generalist